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June 16, 2014

Food & Consumer Packaged Goods Litigation

### **New Filings for June 16, 2014**

*Lesmez v. Einstein Noah Restaurant Group, Inc.*, No. 0:14-cv-61214 (S.D. Fla.): Plaintiff claims the Einstein Bros Bagels restaurant chain deceptively markets its orange juice as "100% Pure Squeezed Orange Juice" when it is allegedly made from water and concentrate. On behalf of a putative class of Florida consumers, the complaint alleges violations of the Florida Deceptive and Unfair Trade Practices Act and federal Magnuson-Moss Warranty Act, as well as claims for negligent misrepresentation, unjust enrichment, and breaches of express and implied warranties. [Complaint](#). *Phelps v. The Coca-Cola Co.*, No. BC547592 (Cal. Super., Los Angeles County): On behalf of a putative class of California consumers, plaintiff claims defendant misrepresents its Simply Orange brand juices as "100% Pure Squeezed," "100% Orange Juice," "No Water or Preservatives Added," and "Honestly Simple," when it is allegedly made through highly engineered process using a complex algorithm and artificial flavoring. The complaint accuses defendant of intentional and negligent misrepresentation, fraud, and violations of various California consumer protection statutes. [Complaint](#). *Bohlke v. Shearer's Foods, LLC*, No. 9:14-cv-80727 (S.D. Fla.): Plaintiff claims defendant falsely touts it Riceworks Gourmet Brown Rice Crisps as being "All Natural" and containing "No Artificial Ingredient" when it allegedly contains unnatural, synthetic, and/or artificial ingredients such as masa corn flour, canola oil, and maltodextrin. On behalf of a class of Florida consumers, the complaint alleges violations of the Florida Deceptive and Unfair Trade Practices Act and federal Magnuson-Moss Warranty Act, as well as warranty, negligent misrepresentation, and unjust enrichment claims. [Complaint](#). *Koller v. Deoleo USA, Inc.*, No. 3:14-cv-2400 (N.D. Cal.): Plaintiff claims defendant falsely markets its extra virgin olive oil as "Imported from Italy" when the olives are not grown or pressed in Italy, and where defendant uses inferior bottles that do not preserve the oil as "extra virgin." The complaint alleges various California statutory and common law claims on behalf of a putative national class as to some products and a putative California class as to other products. [Complaint](#). *Kumar v. Salov North America Corp.*, No. 4:14-cv-02411 (N.D. Cal.): Plaintiff claims defendant falsely markets its extra virgin olive oil as "Imported from Italy" when the olives are not grown or pressed in Italy, and where defendant uses inferior bottles that do not preserve the oil as "extra virgin." The complaint alleges various California statutory and common law claims on behalf of a putative national class as to some products and a putative California class as to other products. [Complaint](#). *Kumar v. Safeway, Inc.*, No. RG14-726707 (Ca. Super., Alameda County): Plaintiff claims defendant falsely markets its extra virgin olive oil as "Imported from Italy" when the olives are not grown or pressed in Italy, and where defendant uses inferior bottles that do not preserve the oil as "extra virgin." The complaint alleges various California statutory and common law claims on behalf of a putative class of California consumers. [Complaint](#).

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